

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHOKOFEH TABARAIE, DDS, PLLC,

Plaintiff,

v.

ASPEN AMERICAN INSURANCE
COMPANY,

Defendant.

Civil Action No. 2:20-cv-01035-BJR

**STIPULATED MOTION AND
ORDER**

1 Plaintiff Shokofeh Tabaraie, DDS, PLLC and Defendant Aspen American Insurance
2 Company stipulate that Plaintiff shall file an amended complaint and that Defendant's pending
3 motion to dismiss is therefore moot.

4 WHEREAS:

5 1. On August 31, 2020, Defendant moved to dismiss Plaintiff's lawsuit for failure to
6 state a claim upon which relief can be granted. Dkt. 14.

7 2. On September 16, 2020, the above-captioned lawsuit was re-assigned to Judge
8 Barbara J. Rothstein.

9 3. On September 17, 2020, Plaintiff's counsel indicated via email to Aspen's counsel
10 that Plaintiff intended to file an amended complaint as a matter of right. The amended complaint,
11 once filed, will moot the motion to dismiss that Defendant filed on August 31, 2020.

12 4. The Parties agree that Federal Rules of Civil Procedure (the "Rules") dictate the
13 appropriate timing of their respective actions.

14 5. The Parties submit this stipulated motion for the avoidance of all doubt and to
15 memorialize their understanding. The stipulated motion is made in the interest of justice, not to
16 delay the proceedings, and will not prejudice any party. The Parties do not waive any claims or
17 defenses with this stipulation.

18 IT IS HEREBY STIPULATED AND AGREED, pending the Court's approval, that (1)
19 Plaintiff shall file an amended complaint no later than September 21, 2020 in accordance with the
20 Rules; (2) Defendant's motion to dismiss, Dkt. 14, is hereby moot and is accordingly taken off
21 calendar; and (3) Defendant shall answer, move, or otherwise respond to Plaintiff's amended
22 complaint no later than October 5, 2020 in accordance with the Rules.

23 The Parties respectfully request the Court to enter the accompanying Proposed Order
24 granting the above-articulated stipulated agreement.

25
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27 *[signatures on next page]*
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DATED this 19th day of September, 2020.

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/s/ Isaac Ruiz*

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**Signed with permission.*

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Attorneys for Defendant

ORDER

The Court has considered Plaintiff Shokofeh Tabaraie DDS PLLC's and Defendant Aspen American Insurance Company's Stipulated Motion and [Proposed] Order. The Court **HEREBY ORDERS** the following:

1. Plaintiff shall file an amended complaint no later than September 21, 2020.
2. Defendant's motion to dismiss (dkt. 14) is hereby MOOT and is accordingly taken off calendar.
3. Defendant shall answer, move, or otherwise respond to Plaintiff's amended complaint no later than October 5.

IT IS SO ORDERED.

Dated: September 21, 2020.



Honorable Barbara J. Rothstein
UNITED STATES DISTRICT JUDGE